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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,252

12/22/2003

Yzhak Ronen

1209-33

4472

23869

7590

11/17/2006

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EXAMINER

WANG, HARRIS C

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,252

Applicant(s)

RONEN ET AL.

Examiner

Harris C. Wang

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892) *
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/16/2005, 4/26/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because of a typographical error in Figure 1. The block which reads "ISP **Date Center** approves the request and downloads the configuration file to the managed device" should read "ISP **Data Center** approves..."

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 25 is objected to because of the following informalities: Claim 25 currently depends on claim 1; however because Claim 25 includes a router, it appears that Claim 25 should be dependent on Claim 16. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Baltes (US 2003/0103615).

Regarding Claims 1-3,

Baltes teaches a method for securely downloading files to a managed device, the method comprising the steps of:

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selecting a managed device for interfacing with networks or devices over the Internet; (*"To access the Internet, customer premises network equipment (CPNE) such as broadband modems, routers, and modem-router combination products require being setup"* Paragraph [0002])

assigning a unique identification number to the device;

creating a file for the managed device on a database, wherein the file can be downloaded over the Internet to the managed device; (*"a method in which a central server may be contacted when configuration information is needed for a broadband communication device. This contact may be initiated via a dial-up modem."* Abstract). The Examiner interprets that the file has inherently been created.

creating an access verification program for downloading the file, wherein the access verification program permits a user of the managed device at a remote location to access the file over the Internet by entering the unique identification number, and wherein the access verification program permits the user to download the file over the Internet for a period of time; receiving an identification number by from the user; verifying that the identification number received from the user is the same as the unique identification number; (*"The central server then determines who the customer is through an identification of the source of the communication...The central server is able to access a number of databases that contain configuration information for the customer."* Paragraph [0019] lines 1-3, Paragraph [0020] lines 1-3)

permitting access to the database by the user for downloading the file for a period of time; downloading the file from the database to the managed device; and blocking access to the database for downloading the file. (*"The central server downloads the configuration information from the database. Then, it transfers the configuration information over the dialup communication link. Once the configuration information is at the broadband communication device, the broadband communication device may use the information to configure itself."* Paragraph [0021])

The Examiner notes that all routers inherently are assigned identification numbers/serial numbers.

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Regarding Claim 2, the Examiner interprets configuration information as configuration file. Regarding Claim 3, a router is included in the list of devices.

Regarding Claim 4,

Baltes teaches the method for securely downloading files to a managed device according to claim 1, wherein the unique identification number is the serial number of the managed device. (*"Furthermore, a broadband communication device serial number may be provided to the central server." Paragraph [0019]*)

Regarding Claim 14,

Baltes teaches the method of Claim 1, where the access to the database for downloading the file is inherently blocked after the file has been downloaded. The Examiner interprets blocking access to the database as terminating the link between the database and the router.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baltes in view of Emens.

Regarding Claims 6 and 15,

Baltes teaches the method for securely downloading files to a managed device according to claim 1.

However Baltes does not teach that the period of time is predetermined.

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Emens teaches "a system for accepting a specification of time interval during which a download is to be performed." (Abstract)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Baltes with the teachings of Emens.

The motivation to combine is "to overcome the problem of long download times" (Emens Column 2, lines 9-11).

Regarding Claim 7,

Baltes teaches the method for securely downloading files to a managed device according to claim 1.

However Baltes does not teach that the period of time is less than 4 hours.

Emens teaches "a system for accepting a specification of time interval during which a download is to be performed." (Abstract)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Baltes with the teachings of Emens.

The motivation to combine is "to overcome the problem of long download times" (Emens Column 2, lines 9-11). The motivation for the time period to be less than 4 hours is acclimate users requirement.

Regarding Claim 8,

Baltes teaches the method for securely downloading files to a managed device according to claim 1.

However Baltes does not teach that the period of time is less than 1 hour.

Emens teaches "a system for accepting a specification of time interval during which a download is to be performed." (Abstract)

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Baltes with the teachings of Emens.

The motivation to combine is "to overcome the problem of long download times" (Emens Column 2, lines 9-11). The motivation for the time period to be less than 1 hours is acclimate users requirement.

Claims 5, 9-13, 16-17, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baltes in view of Mehler (US 2002/0179709)

Regarding Claims 5, 9-13

Baltes teaches the method for securely downloading files to a managed device according to claim 1. Particularly Baltes teaches a "serial number may be provided to the central server" Paragraph [0019].

However Baltes does not teach further comprising selecting a portable device for reading the unique identification number, where the device may be a bar code scanner. Additionally Baltes does not teach a password being entered into the portable device. Finally Baltes does not teach the combination of the password and ID to be downloaded from the portable device to the database.

Mehler teaches a method of "(a) receiving at least one authorized user password associated with a transaction code; (b) receiving at least one single-use code carrier bearing a transaction code...printed thereon in an optically readable digital code (c) presenting the code carrier and the password for verification in order to receive authorization" (Paragraph [0028]).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Baltes with the teachings of Mehler.

The motivation to combine is for "securely carrying out a...transaction. (Paragraph [0028])"

The Examiner interprets that the step of presenting the code carrier and the password for verification as downloading the ID number and password from the portable device to the database. The Examiner interprets that if a password is received it must inherently first been assigned.

Regarding Claims 16-17 and 21-24

Baltes teaches all the limitations of Claim 16 (See Regarding Claim 1) including the use of a serial number (See Regarding Claim 4), with the exception of assigning a unique password to the router, receiving a password from the user, and verifying the password received by the user. Baltes teaches all the limitations of Claim 21-23 except for the ID and password being read by a barcode scanner which is then downloaded to the router to the database.

Mehler teaches a method of "(a) receiving at least one authorized user password associated with a transaction code; (b) receiving at least one single-use code carrier bearing a transaction code...printed thereon in an optically readable digital code (c) presenting the code carrier and the password for verification in order to receive authorization...(d) receiving verification of a match between the transaction code and the transaction account and verification of the password" (Paragraph [0028]). The Examiner interprets that the password has inherently been assigned to the router.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Baltes with the teachings of Mehler.

The motivation to add an additional password is for additional security. The motivation to use a barcode scanner and download the ID and password to the database is to provide a way to read provide verification.

Concerning Claim 24, the access to the database is inherently terminated after the file is downloaded.

Claims 18-20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baltes in view of Mehler as applied to claim 16 above, and further in view of Emens.

Regarding Claims 18-20 and 25

All the limitations of Claim 18-20 and 25 are anticipated in the rejection of claim 16, except that the period of time is predetermined.

Emens teaches "a system for accepting a specification of time interval during which a download is to be performed." (Abstract)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Baltes and Mehler with the teachings of Emens.

The motivation to combine is "to overcome the problem of long download times" (Emens Column 2, lines 9-11). The motivation for the time period to be less than 1 hours is to acclimate user's requirement.

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It is inherent that downloading will be blocked if there is a time limit for downloading.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harris C. Wang whose telephone number is 5712701462. The examiner can normally be reached on M-F 7:30-5, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 5712721497. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HCW


WALTER D. GRIFFIN
SUPERVISORY PATENT EXAMINER